

“(1) PROHIBITION.—

“(A) IN GENERAL.—No United States person”; and

(3) in the undesignated matter following clause (ii) (as redesignated by paragraph (1)), by striking “Nothing in this paragraph” and inserting the following:

“(B) DEFINITION OF PAYMENT OF CASH IN ADVANCE.—Notwithstanding any other provision of law, for purposes of this paragraph, the term ‘payment of cash in advance’ means only that payment must be received by the seller of an agricultural supply to Cuba or any person in Cuba before surrendering physical possession of the agricultural supply.

“(C) REGULATIONS.—The Secretary of the Treasury shall publish in the Federal Register a description of the contents of this section as a clarification of the regulations of the Secretary regarding sales under this title to Cuba.

“(D) CLARIFICATION.—Nothing in this paragraph”.

#### SEC. 3. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7208) is amended by adding at the end the following:

“(C) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES IN CUBA BY PERSONS ENGAGING IN TSREEA-AUTHORIZED SALES AND MARKETING ACTIVITIES.—

“(1) DEFINITION OF SALES AND MARKETING ACTIVITY.—

“(A) IN GENERAL.—In this subsection, the term ‘sales and marketing activity’ means any activity with respect to travel to, from, or within Cuba that is undertaken by United States persons—

“(i) to explore the market in Cuba for products authorized under this title; or

“(ii) to engage in sales activities with respect to such products.

“(B) INCLUSION.—The term ‘sales and marketing activity’ includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products authorized under this title.

“(2) AUTHORIZATION.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations (as in effect on June 1, 2007), for travel to, from, or within Cuba in connection with sales and marketing activities involving products approved for sale under this title.

“(3) AUTHORIZED PERSONS.—Persons authorized to travel to Cuba under paragraph (2) shall include—

“(A) producers of products authorized under this title;

“(B) distributors of such products; and

“(C) representatives of trade organizations that promote the interests of producers and distributors of such products.

“(4) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out this subsection.”.

#### SEC. 3. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 is amended—

(1) by redesignating section 911 (22 U.S.C. 7201 note; Public Law 106-387) as section 912; and

(2) by inserting after section 910 (22 U.S.C. 7209) the following:

#### “SEC. 911. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

“Notwithstanding any other provision of law (including regulations), the President shall not restrict direct transfers from

Cuban to United States financial institutions executed in payment for products authorized by this Act.”.

### PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Bryan Mignone and Alicia Jackson, both AAAS fellows with my staff on the Energy and Natural Resources Committee, be granted floor privileges for the remainder of debate on the Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Alan Mackey and Patty Lawrence, detailees from the U.S. Department of Agriculture, my committee staff, be granted the privileges of the floor for today's session and for the remainder of the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### EXECUTIVE SESSION

#### PATENT LAW TREATY AND REGULATIONS UNDER PATENT LAW TREATY

#### GENEVA ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

#### SINGAPORE TREATY ON THE LAW OF TRADEMARKS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 6, 7, and 8, the Patent Law Treaty; the Geneva Act concerning the international registration of industrial designs; and the Singapore Treaty on the Law of Trademarks; that the treaties be advanced through their various parliamentary stages, up to and including the presentation of the resolutions of ratification, and that the reservations, declarations, and conditions be agreed to, and there now be a division vote on the resolutions en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

### TREATIES

[Patent Law Treaty and Regulations Under Patent Law Treaty (Treaty Doc. 109-12)]

*Resolved (two-thirds of the Senators present concurring therein),*

Section 1. Senate Advice and Consent subject to reservation.

The Senate advises and consents to the ratification of the Patent Law Treaty and Regulations under the Patent Law Treaty, done at Geneva on June 1, 2000 (Treaty Doc. 109-12), subject to the reservation of section 2.

#### Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the United States instrument of ratification:

Pursuant to Article 23, the United States of America declares that Article 6(1) shall not apply to any requirement relating to unity of invention applicable under the Patent Cooperation Treaty to an international application.

[Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (Treaty Doc. 109-21)]

Section 1. Senate Advice and Consent subject to declarations.

The Senate advises and consents to the ratification of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the “Agreement”), adopted in Geneva on July 2, 1999, and signed by the United States of America on July 6, 1999 (Treaty Doc. 109-21), subject to the declarations of section 2.

#### Section 2. Declarations.

The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(1) Pursuant to Article 5(2)(a) and Rule 11(3) of the Agreement, the United States of America declares that its Office is an Examining Office under the Agreement whose law requires that an application for the grant of protection to an industrial design contain: (i) indications concerning the identity of the creator of the industrial design that is the subject of the application; (ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of the application; and (iii) a claim. The specific wording of the claim shall be in formal terms to the ornamental design for the article (specifying name of article) as shown, or as shown and described.

(2) Pursuant to Article 7(2) and Rule 12(3) of the Agreement, the United States of America declares that, as an Examining Office under the Agreement, the prescribed designation fee referred to in Article 7(1) of the Agreement shall be replaced by an individual designation fee, that is payable in a first part at filing and a second part payable upon allowance of the application. The current amount of the designation fee is US \$1,230, payable in a first part of US \$430 at filing and a second part of US \$800 upon allowance of the application. However, for those entities that qualify for “small entity” status within the meaning of section 41(h) of title 35 of the United States Code and section 3 of the Small Business Act, the amount of the individual designation fee is US \$615, payable in a first part of US \$215 and a second part of US \$400. In addition, these amounts are subject to future changes upon which notification to the Director General will be made in future declarations as authorized in Article 7(2) of the Agreement.

(3) Pursuant to Article 11(1)(b) of the Agreement, the United States of America declares that the law of the United States of America does not provide for the deferment of the publication of an industrial design.

(4) Pursuant to Article 13(1) of the Agreement, the United States of America declares that its laws require that only one independent and distinct design may be claimed in a single application.

(5) Pursuant to Article 16(2) of the Agreement, the United States of America declares